

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12420 of 2016

Arising Out of PS.Case No. -264 Year- 2012 Thana -PHULWARI District- PATNA

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Arun Kumar Singh, Son of Sri Shradhanand Singh, resident of Vidyarthi Sadan, Chitrakut Nagar, Road No.9, P.S.- Danapur, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Smt. Rubi Kumari wife of Arun Kumar Singh, D/o Shri Dhuman Rai, resident of Village- Naya Tola, P.S.- Phulwari Sharif, District- Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dr. Chandra Shekhar Azad

For the Opposite Party/s : Mr. Sunil Kr. Panday (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

04/ 06-09-2016 Heard learned counsels for the petitioner and the State.

The petitioner being the husband of the informant is apprehending his arrest in a case registered for the offences punishable under Sections 498A/34 of the Indian Penal Code and 3/4 of Dowry Prohibition Act.

The basic accusation is of torture for non-fulfillment of the dowry demand.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the informant after the death of his first wife and there are two children from the first wife, but subsequently the petitioner

came to know about serious Gynecological problems with the informant as a result the petitioner filed Matrimonial Suit No. 182 of 2012 with a prayer for divorce and thereafter the present FIR was registered on 12.07.2012. In the circumstances, the petitioner is not in a position to keep the informant.

However, counsel for the informant submits that the informant is ready to resume the conjugal life.

Counsel for the petitioner submits that, in the alternative, the petitioner is ready to make payment of Rs.1,800/- per month from November, 2016 to the informant by depositing the same in her account by second week of every succeeding month.

Counsel for the informant submits that the informant is ready to accept the offer of payment by the petitioner and undertakes to submit the bank account number on affidavit before the learned court below within a period of four weeks.

Considering the present stand of the parties, let the above named petitioner be released on anticipatory bail in the event of his arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bond of Rs.10,000/- (Ten thousand) with two



sureties of the like amount each to the satisfaction of learned Sub-divisional Judicial Magistrate, Patna in connection with Phulwarisharif P.S. Case No. 264 of 2012, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The aforementioned payment will be subject to any order passed in matrimonial, maintenance or connected proceedings.

Three consecutive defaults in making payment will give liberty to the informant to file application for cancellation of bail of the petitioner.

The present order, in no way, will preclude the parties to resolve the issue otherwise.

(Dinesh Kumar Singh, J.)

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